IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 5732 of 2006(G)

PETITIONER:

DINESAN. K., MECHANIC,
OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER
(AGRICULTURE), MELA CHOVVA, KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY TO GOVERNMENT, DEPARTMENT OF
   AGRICULTURE, SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF AGRICULTURE,**
   THIRUVANANTHAPURAM.

3. **THE PRINCIPAL AGRICULTURAL OFFICER,**
   KANNUR.

BY GOVT.PLEADER SRI. P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.5732/2006 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE FINAL SENIORITY LIST.**

EXT.P2: **COPY OF THE EARLIER SERVICE DETAILS OF THE PETITIONER AS ATTESTED BY THE ASSISTANT EXECUTIVE ENGINEER.**

EXT.P3: **COPY OF THE CIRCULAR DTD. 26/07/2000.**

EXT.P4: **COPY OF THE MEMORANDUM FORWARDED BY THE ASSISTANT EXECUTIVE ENGINEER DTD. 25/10/2000.**

EXT.P5: **COPY OF THE SERVICE DETAILS.**

EXT.P6: **COPY OF THE REPRESENTATION DTD. 15/10/2003.**

EXT.P7: **COPY OF THE LETTER DTD. 30/10/2003.**

EXT.P8: **COPY OF THE JUDGMENT DTD. 9/05/2005 IN WP(C) NO.22369 OF 2004.**

EXT.P9: **COPY OF THE ORDER DTD. 28/10/2005 ISSUED BY THE 2ND RESPONDENT.**

EXT.P10: **COPY OF THE REPRESENTATION DTD. 30/10/2005.**

EXT.P11: **COPY OF THE JUDGMENT DTD. 22/11/2005 IN WP(C) NO. 32543/2005.**

EXT.P12: **COPY OF THE ORDER WITH CARRYING NO.SH(1)39492/04 DTD. 6/02/2006 PASSED BY THE 2ND RESPONDENT.**

EXT.P13: **COPY OF G.O.(MS) NO.5/93/AD DTD. 8/01/1993.**

EXT.P14: **COPY OF THE LETTER DTD. 12/09/1996 SENT BY THE DIRECTOR OF AGRICULTURE TO THE ASSISTANT SECRETARY, DEPT. OF AGRL. THIRUVANANTHAPURAM.**

EXT.P15: **COPY OF THE ORDER DTD. 30/08/2003.**

EXT.P16: **COPY OF THE ORDER DTD. 28/11/2006 ISSUED BY THE PRINCIPAL AGRICULTURAL OFFICER, KANNUR.**

EXT.P17: **COPY OF THE LETTER DTD. 15/07/2005 ISSUED BY THE 2ND RESPONDENT.**

EXT.P18: **COPY OF THE REPRESENTATION DTD. 30/11/2006 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

2ND RESPONDENT'S EXHIBIT:

EXT.R2(A): **COPY OF THE LETTER NO.AE(1)340/99 DTD.9/04/1999.**

/TRUE COPY/

Kss

K.K.DENESAN, J.

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WP(C).No.5732 OF 2006-G.

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Dated this the 21st day of December, 2006.

J U D G M E N T

The petitioner belongs to the category of Mechanic in the Agriculture Department. He is aggrieved by Ext.P12 order passed by the 2nd respondent. One of the contentions urged by the petitioner is to assail the view taken by the 2nd respondent that the petitioner has not completed the minimum period required for the satisfactory declaration of probation. According to the petitioner, one year satisfactory duty within a continuous period of two years would suffice. But Ext.P12 order shows that a larger period has been prescribed as the minimum period for declaration of probation. Other contentions also have been raised. The petitioner feels that if he gets the opportunity to bring to the notice of the 1st respondent all relevant facts and the law on the point by filing a representation with a request to redress his grievances in the light of Exts.P2 and P4, it will provide relief to him, at this stage. He wants his case to be considered for promotion to the next higher posts namely, Oil Engine Driver and Asst. Engineer (Agriculture).

2. The petitioner has submitted Ext.P18 representation before the 2nd respondent raising contentions against Ext.P12.

Since it may not be proper to direct the 2nd respondent to discard his own opinion already expressed and to embark on a reconsideration of Ext.P12, I think the petitioner is right in approaching the Government, for reliefs.

3. Learned counsel for the petitioner submits that the petitioner will submit a detailed representation taking up all contentions available in law before the 1st respondent within ten days from today. Let the needful to be done by the petitioner. If such a representation is filed before the 1st respondent, there shall be a direction to the said respondent to consider the contentions of the petitioner and decide the matter with reference to the relevant records including Exts.P2, P4 and P16. Final decision shall be taken within two months from the date of receipt of a copy of the representation of the petitioner along with a copy of the judgment. Needless to state that the decision of the Government shall be communicated to the petitioner immediately.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-